

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MOBIUS MANAGEMENT SYSTEMS, INC.,        )  
    )  
    )  
Plaintiff,                                 )  
  )  
  )  
v.    ) C.A. No. 05-346 SLR  
  )  
  )  
ACARTUS, INC.,                             )  
  )  
  )  
Defendant.                                 )

STIPULATION AND ORDER

It is hereby stipulated and agreed by plaintiff Mobius Management Systems, Inc. and defendant Acartus, Inc., through their undersigned counsel, that from the date of the entry of this order until a decision in any final trial of this action:

1. Acartus will refrain from using in connection with the sale, offering for sale, distribution, promotion or advertising of its services or products, the marks "Mobius DAF Export Utility," "Mobius Replacement Solution," and "ApertureONE Extraction Utility for Mobius DAF Files," and will refrain from using, as a source identifier, the terms "Mobius" or "ViewDirect," or any other mark, term or phrase confusingly similar thereto as a source identifier;

2. Through October 1, 2005, Acartus will refrain from communicating in advertising or promotion in words or substance that Mobius ViewDirect requires a "manual transformation of content"; and

3. Through October 1, 2005, Acartus will refrain from communicating in advertising or promotion in words or substance that "continuing to support a legacy archival system such as Mobius perpetuates a series of unnecessary licensing, services and maintenance costs."

4. On or before October 1, 2005 Acartus will advise Mobius whether Acartus intends to make either of the statements in paragraphs 2 and 3 after October 1, 2005. In that event, if Mobius moves for a preliminary injunction within five days of notice from Acartus, then Acartus shall refrain from making the statements identified in paragraphs 2 and 3 until a final decision on the preliminary injunction motion.

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SO ORDERED THIS \_\_\_\_ day of July, 2005

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The Honorable Sue L. Robinson  
 United States District Judge